

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUSTIN PULLIAM,

Plaintiff,

v.

Civil Action No. 4:22-cv-4210

COUNTY OF FORT BEND, TEXAS;
SHERIFF ERIC FAGAN, in his individual
capacity; OFFICER ROBERT
HARTFIELD, in his individual capacity;
OFFICER JONATHAN GARCIA, in his
individual capacity; OFFICER TAYLOR
ROLLINS, in his individual capacity; and
OFFICER RICKY RODRIGUEZ, in his
individual capacity,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION TO STAY DEADLINES IN
ANTICIPATION OF A MOTION TO RESET TRIAL DATE**

For the reasons stated below, Plaintiff respectfully asks that the Court stay the deadlines set forth in the Amended Docket Control Order (Dkt. No. 63) by thirty (30) days. The present trial setting (February/March 2024) is almost certain to create unworkable conflicts with two Supreme Court cases that Plaintiff’s counsel are presently working on. Oral argument in those cases has not yet been set.

1. On February 16, 2023, Magistrate Judge Bray set trial in this case before Judge Hittner for the January/February 2024 setting. (Dkt. No. 36).
2. On October 5, 2023, Judge Hittner recused himself. (Dkt. No. 59). On October 6,

2023, this case was assigned to Judge Hanks. (Dkt. No. 60).

3. On November 1, 2023, the Court issued an “Amended Docket Control Order” setting a bench trial for February/March 2024, with associated pretrial deadlines. (Dkt. 63).
4. Meanwhile, as the parties were briefing summary judgment and this change of judges occurred, the Supreme Court granted review in two separate cases, affecting Plaintiff’s counsel’s ability to prepare for a February or March 2024 trial in this matter.
5. Plaintiff’s counsel, Christen Mason Hebert and Jeffrey Rowes, are both working on cases before the Supreme Court that are presently being briefed and will be argued in early 2024:
 - a. Christen Mason Hebert is working on *Devillier et al. v. Texas*, No. 22-913, for which briefing is expected to be completed on January 12, 2024.
 - b. Jeffrey Rowes is working on *Gonzalez v. Trevino, et al.*, No. 22-1025, for which briefing is expected to be completed on February 23, 2024.
6. Plaintiff’s counsel anticipates learning the exact dates for oral argument for both cases within one month.
7. Plaintiff respectfully requests that the Court stay the current pretrial deadlines set in the Amended Docket Control Order (Dkt. No. 63) for thirty (30) days. Plaintiff’s counsel proposes that the Court permit counsel to file a status update with this Court on or before December 11, 2023. Provided the Supreme Court has set both of Plaintiff’s counsel’s cases for oral argument, Plaintiff’s counsel will confer with

Defendants' counsel to propose revised pretrial deadlines and provide availability for trial.

8. Plaintiff's counsel has conferred with Plaintiff, and he does not object to staying present deadlines in anticipation of moving the trial setting.
9. Plaintiff's counsel has conferred with Defendants' counsel, and he does not oppose this motion.

Dated: November 13, 2023

Respectfully submitted,

/s/ Christen Mason Hebert

Christen Mason Hebert, Attorney-in-Charge

Texas Bar No. 24099898

Federal ID No. 3844981

Jeffrey Rowes*, of counsel

Texas Bar No. 24104956

Institute for Justice

816 Congress Ave., Suite 960

Austin, TX 78701

Tel: (512) 480-5936

Fax: (512) 480-5937

Email: chebert@ij.org

jrowes@ij.org

Attorneys for Plaintiff

**Admitted pro hac vice*

CERTIFICATE OF CONFERENCE

As required by Local Rule 7.1(D)(1), I certify to the Court that Plaintiff's counsel conferred with opposing counsel about the merits of this motion on November 8, 2023 and opposing counsel has indicated that he does not oppose this motion.

/s/ Christen Mason Hebert
Christen Mason Hebert, Attorney-in-Charge

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2023, I electronically filed the foregoing motion with the Clerk of Court using the CM/ECF system and served by the CM/ECF system to all counsel of record.

/s/ Christen Mason Hebert
Christen Mason Hebert, Attorney-in-Charge

Attorney for Plaintiff